

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:) No. B-10-80316 C-13D
Lisa D. Ryan)
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)
)
Debtor(s))

**ORDER GRANTING MODIFICATION OF PLAN AND
LIFTING OF THE AUTOMATIC STAY**

On July 7, 2011, a hearing was held on the Debtor's Motion to Modify Plan her plan to release a 2005 Chevrolet ("the automobile") to the lienholder, SunTrust, which was involved in a collision and declared a total loss. Insurance proceeds in the amount of \$7,099.75 are available on the automobile. At the hearing, Koury Hicks, Esq. appeared on behalf of the Debtor, and Richard M. Hutson II, Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtor's circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion by the Debtor pursuant to 11 U.S.C. §1329 is granted.
2. The automatic stay is modified to permit insurance proceeds to be applied against the secured portion of the claim of SunTrust and such proceeds shall be paid directly to SunTrust by the insurance carrier.
3. Upon receipt of the insurance proceeds, SunTrust shall forward the certificate of title to the automobile with the lien released to the insurance carrier.
4. In the event that the insurance proceeds exceed the balance of the secured claim, such remaining proceeds shall be paid to the Debtor for the purpose of obtaining alternate transportation, and in the event that the balance of the secured claim exceeds the amount of insurance proceeds, SunTrust shall have 120 days from the entry of this Order within which to amend its allowed unsecured claim for any deficiency realized on the liquidation of the automobile, and if no amended unsecured claim is timely filed, the secured claim of SunTrust shall be deemed satisfied in full from insurance proceeds.
5. The Debtors' plan payments are scheduled at \$55.00 per month effective June, 2011, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.

6. Any default in payments prior to June, 2011, under the plan is waived and the plan shall be extended to the term necessary to pay the delinquent amount.

7. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtors' plan.

PARTIES IN INTEREST

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE
SERVED BY THE BANKRUPTCY NOTICING CENTER**